

REMARKS

STATUS OF THE CLAIMS

Claims 1-18, 21-35 and 38-47 were pending and are subject to restriction, as discussed below. Claim 34 has been amended as shown above from dependent to independent form. Thus, claims 1-18, 21-35 and 38-47 are pending as shown above.

RESTRICTION

The Examiner has required election of one of the following allegedly distinct groups of claims:

Group I. Claims 1-16, 27-33, 46 and 47, drawn to a method of selecting a switching system;

Group II. Claim 17, drawn to a gene switch;

Group III, Claim 34, drawn to a protein switch;

Group IV, Claims 18, 21-24, 35 and 38-42, drawn to a method of regulating transcription from a nucleic acid sequence using a gene switch;

Group V, Claims 25, 43 and 44, drawn to a transgenic animal comprising a switching system; and

Group VI, Claims 25, 26 and 43-45, drawn to a transgenic plant comprising a switching system.

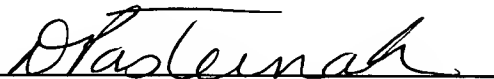
Applicants hereby elect to Group III, claim 34, without traverse.

Applicants expressly reverse their right to rejoinder of process claims (1-16, 27-33 and 46-47). Furthermore, Applicants expressly reserve their right under 35 USC §121 to file one or more divisional applications directed to the nonelected subject matter during the pendency of this application.

INFORMATION DISCLOSURE STATEMENT

Applicants filed an Information Disclosure Statement and accompanying documents on October 24, 2003 (copy attached hereto). Return of the initialed PTO/SB/08A is respectfully requested.

Respectfully submitted,

By: 
Dahna S. Pasternak
Attorney for Applicants
Registration No. 41,411

ROBINS & PASTERNAK LLP
1731 Embarcadero Road, Suite 230
Palo Alto, CA 94303
Tel.: (650) 493-3400
Fax: (650) 493-3440